

# 2013 Farm and Ranch Lands Protection Program – Easement Application Flow Chart

[www.or.nrcs.usda.gov/programs/frpp/](http://www.or.nrcs.usda.gov/programs/frpp/)

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## Step 1

**The following constitutes a complete application package submitted by the entity:**

- ☐ Conservation Program Application ([NRCS-CPA-1200](#)) [Landowner]
- ☐ Average Adjusted Gross Income and Consent Disclosure of Tax Information ([CCC-931](#)) [Landowner]
- ☐ Highly Erodible Land Conservation and Wetland Conservation Certification ([AD-1026](#)) [Landowner]
- ☐ Member's Information ([CCC-901](#), if legal entity such as a Trust or LLC) [Landowner]
- ☐ [Parcel Workbook](#) & all required attachments [Entity]
- ☐ [Entity Workbook](#) [Entity]
- ☐ [DUNS #](#) and [CCR](#) registration for Entity Workbook [Entity] and if landowner uses an EIN a [DUNS #](#) and [CCR](#) registration is required to be completed and the [DUNS #](#) is to be recorded on the CPA-1200 [Landowner]
- ☐ Maps- showing total ownership of all lands owned or operated by applicant
- ☐ Map of the FRPP area only
- ☐ Warranty or Quitclaim Deed (most current land ownership) for the FRPP offered parcel
- ☐ Direct Deposit ([SF-1199A](#)) [Entity]
- ☐ Written Pending Offer [Entity]
- ☐ Certification of Matching Funds [Entity]

## Step 2

NRCS performs the following tasks:

- ☐ Verifies landowner and parcel eligibility
- ☐ Reviews all application information
- ☐ Orders AAI (Environmental Records Search)

If landowner or parcel is ineligible- STOP.  
NRCS notifies entity of ineligibility

## Step 3

NRCS performs the following tasks:

- ☐ Review AAI
- ☐ Conducts [Landowner Interview](#) and on site Hazardous Materials Checklist (NRCS has up to 120 days, from signing the cooperative agreement to perform the Environmental Assessment.)

If environmental assessment yields negative results - STOP. Further environmental evaluation will be required.

## Step 4

NRCS performs the following tasks:

- ☐ Parcel is ranked using [Ranking Sheet](#)
- ☐ [Cooperative Agreement](#) is signed if the parcel ranks high enough for funding
- ☐ [SF-424](#), [SF-424 A](#) and [SF-424B](#) to be completed by the entity

If unfunded, eligible applicants receive deferral letter at the end of fiscal year

Step 5

Pre-Closing4 to 12 months prior to close

Entity submits the following documents within the requested time frame to allow for NRCS review:

☐

Survey [6-12 months prior to close]

☐

Easement Deed Draft [5-12 months prior to close] (the Conservation Easement Deed Template that will be used should be submitted within 30 days of signing the cooperative agreement). NRCS recommends using the approved OR FRPP Conservation Easement Deed Template.

☐

Appraisal [4-12 months prior to close]

☐

Preliminary Title Commitment Binder [4-12 months prior to close]

▪

ALTA Title Policy

▪

Exceptions and Encumbrances – photocopy of each referenced document

▪

Chain of Title of fee ownership

▪

Draft Mortgage Subordination or Discharge (if applicable)

Step 6

Pre-Closing cont'd2 to 3 months prior to close

Entity submits the following documents within the requested time frame to allow for NRCS review:

☐

Baseline [3-5 months prior to close]

☐

Conservation Plan (fully signed) [3-5 months prior to close]

☐

Forest Management Plan (if required) [2-3 months prior to close]

Step 7

Pre-Closing cont'd1 to 2 months prior to close

NRCS performs the following task:

Preliminary Title Opinion – Review and closing -approval by NRCS Assistant State Conservationist for Programs

Entity submits the following documents within the requested time frame to allow for NRCS review:

☐

Advance of Funds documents (if needed) [1-2 months prior to close]

▪

Waiver Request Letter

▪

Direct Deposit Form (SF-1199A) (for closing agent)

▪

Assignment of Payment Form (CCC-1236)

▪

Closing Protection Letter

▪

Proof of 1 million dollars of liability coverage

▪

Advance of Funds / Funds Reimbursement Form (SF-270)

☐

Confirmation of Matching Funds (CPA-230) [1 month to close]

☐

Closing Landowner Interview [weeks to close]

NRCS performs the following task:

☐

NRCS Notarized Acceptance Page for Conservation Easement Deed [Days before closing]

Step 8

☐ Parcel closing

Step 9

Post-Closing cont'd1 to 3 months after close

Entity submits copies of the following documents within the requested timeframe to allow for NRCS review:

☐

Recorded Conservation Easement Deed [1-3 months after close]

☐

Final Title Commitment Binder [1-3 months after close]

☐

Closing Documents or HUD statement [1-3 months after close]

☐

Signed Mortgage Subordination or Discharge (if applicable) [1-3 months after close]

Once all post-closing documents are in NRCS can process:

☐

Advance of Funds / Funds Reimbursement Form (SF-270) (if an advance of funds was not used)

Step 10

Annually in perpetuity

☐ Monitoring Report [submitted annually after easement closes]

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**Definitions:** The following are definitions of each of the required documents above. The definitions of the forms and documents are in the same order as the above flowchart.

## Step 1

**CPA-1200: Conservation Program Application:** This form is to be filled out by the landowner and submitted with the application package. The form identifies which Farm Bill program the landowner is applying for.

**CCC-931: Average Adjusted Gross Income and Consent to Disclosure of Tax Information:** To be filled out by the landowner and submitted with the application package. Used to certify compliance with the Average Adjusted Gross Income requirements for the receipt of commodity, conservation and price support program benefits.

**AD-1026: Highly Erodible Land Conservation and Wetland Conservation Certification:** To be filled out by the landowner and submitted with the application package. Used to certify compliance with the Highly Erodible Land and Wetland Provisions of the 1985 Food Security Act.

**CCC-901: Member's Information:** To be filled out by landowner and submitted with the application package. Producers are required to complete this form to report information about their farming operation. This information is used by FSA to determine the ownership interest of entities for payment limitation purposes. [Please reference the Eligibility Form Guidance page to see if this form is required.](#)

**Parcel Workbook:** To be filled out by the entity and signed by both entity and landowner. Describes the qualifying criteria of the parcel such as type of soils, the estimate cost of the easement purchase and amount of forested coverage. The answers to the parcel workbook are directly tied to the ranking sheet. The parcel workbook and all required attachments should be submitted with the application package.

**Entity Workbook (Entity):** To be filled out by the entity. Describes the qualifications of the entity organization such as evidence of an established program, commitment to conservation and ability of staff to maintain long-term monitoring.

**DUNS (Dun & Bradstreet Data Universal Numbering System) and CCR (Central Contractor Registration):** All sponsoring entities and those landowners who use an EIN (Employer Identification Number) instead of a SSN (Social Security Number) are required before application to obtain a DUNS number and maintain an active registration in the CCR . Entities will put their DUNS number in the Entity Workbook while the landowners will put this information on the CPA 1200.

**SF-1199A, Direct Deposit Form:** To be filled out by the entity and submitted with the application package. When circumstances warrant an advance of federal funds to the entity's closing agent prior to close rather than waiting for a reimbursement after close, the entity's closing agent will also fill out this form. This form is used to obligated the federal dollars in the National Finance Center system and eventually pay out those funds directly to the entity's bank (or closing agent's bank in the case of an advance of funds).

**Written Pending Offer:** Is a letter that describes the acreage, location, ownership and agreed to purchase price of the conservation easement on the parcel for application in FRPP. This letter can be a formal Purchase and Sale Agreement but a formal P&S is not required. The letter needs to be signed by both the entity and the landowner.

**Certification of Matching Funds:** To be submitted by the entity with the application package. This documentation demonstrates that the entity has the required 50% match dollars at the time of application. A couple examples of this documentation are a letter from the entity's treasurer or meeting minutes that demonstrate that a defined dollar amount has been committed towards the purchase price of the easement.

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## Step 2 – 4

**AAI (All Appropriate Inquiry):** Acquiring and reviewing this report is the responsibility of the NRCS. This report consists of all environmental records reports filed on the parcel and the surrounding area. This documentation is reviewed during the application process.

**Landowner Interview:** Responsibility of the NRCS to conduct. Is required prior to the cooperative agreement being signed. The Landowner Interview is a face to face meeting between NRCS and the landowner. The entity is invited and encouraged to attend but is not required. During the meeting, NRCS details out the rights of the landowner, the duration of the FRPP process and the various steps. This meeting is opportunity early in the process to clarify any questions or concerns on the behalf of the landowner or entity.

**Hazardous Materials Checklist and on-site visit:** Responsibility of the NRCS to conduct. Typically conducted at the same time as the landowner Interview. NRCS walks the parcel property and identifies any environmental concerns. All notes and pictures are documented in the Hazardous Materials Checklist Report.

**Ranking Sheet:** Revised annually and reviewed by the State Tech Committee, the FRPP ranking is used to objectively prioritize parcels based upon various National and State criteria that is requested through the parcel workbook. Parcels are funded based upon availability of funds from the parcel with the highest ranking score down until all funds have been exhausted. A parcel can only be ranked once in a Fiscal Year.

**Cooperative Agreement:** The document that specifies the obligations and rights of NRCS and eligible entities participating in the program. This document is signed by both NRCS and the entity. This document is used as the authorization to obligate the federal dollars in the National Finance Center.

**SF-424 “Application for Federal Assistance”:** Entity is responsible for submitting to NRCS once the application ranks high enough for funding. This form is standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal Assistance.

**SF-424 A “Budget Information for Non- Construction Programs:** Entity is responsible for submitting to NRCS once the application ranks high enough for funding. This form documents the estimated federal funding and estimated entity funding.

**SF-424 B “Assurances Non-Construction Program”:** Entity is responsible for submitting to NRCS once the application ranks high enough for funding. This form certifies the entities compliance with several acts of congress.

## Step 5

**Survey:** Entity is responsible for submitting to NRCS. The Survey should define the boundaries of the eased parcel. Any exclusion areas should be surveyed out of the easement. It is preferred that the building envelope, designated area for structures that are to be located within the easement boundaries, be surveyed but it can be written, as a verbal description, into the conservation easement deed. The Survey should be submitted electronically as a printable pdf. The survey should be accompanied by a word document of the written legal description, which describes in words the boundaries of the property. The parcel acreage and boundary configuration must agree with the final appraisal and the easement deed.

**Conservation Easement Deed:** Entity is responsible for submitting to NRCS. A voluntary, legally recorded restriction, in the form of a deed, on the use of property in order to protect such resources as agricultural lands, historic structures, open space, and wildlife habitat. The Easement Deed Template, that will be used, should be submitted 30 days after the cooperative agreement is signed. NRCS recommends using the NH-Approved-Conservation-Easement-Deed-Template that is approved annually by the NRCS National Office and covers all of the easement deed requirements of the cooperative agreement and the FRPP manual.

**Step 5 Cont'd**

**Appraisal:** Entity is responsible for submitting to NRCS. A self-contained appraisal is to be completed to either the Uniform Standards of Professional Appraisal Practice (USPAP) or the Uniform Appraisal Standards for Federal Land Acquisition (Yellow Book). All appraisals must also conform to the NRCS appraisals standards. A minimum of two copies must be submitted. Once submitted to NRCS, all appraisals will undergo a Technical Review by an outside licensed appraisal reviewer. Appraisals must be at minimum less than 12 months old at the time of closing. The federal share amount of the easement purchase price is dependent upon the value of this appraisal.

**Preliminary Title Commitment Binder:** Entity is responsible for submitting to NRCS; consists of the ALTA Title Policy, copies of all the exceptions and encumbrances, the chain of title and a copy of the unexecuted mortgage subordination or discharge document (if any outstanding liens on property).

**ALTA Title Policy:** Entity is responsible for submitting to NRCS. Part of the Preliminary Title Commitment Binder. The entity is required to take out title insurance on the parcel. The title insurance must be on an ALTA (American Land Title Association) form. The United States of America does not need to be listed on the ALTA Title Insurance Policy.

**Exceptions and Encumbrances:** Entity is responsible for submitting to NRCS. Part of the Preliminary Title Commitment Binder. In Schedule B section II of the ALTA Title Policy the encumbrances and exceptions will be listed. Photo copies of all encumbrances and exceptions of record (those that are listed with book and page number or plan number) should be submitted with the ALTA Title Insurance Policy. These photo copies should be legible and should clearly show the Book/Page number or Plan number from the registry. If a deed from an exception describes the location of a right of way or utility easement for example and refers the reader to a plan, please be sure to include a copy of that plan as well.

**Chain of Title** (of fee ownership): Entity is responsible for submitting to NRCS. Part of the Preliminary Title Commitment Binder. This document can be typed or handwritten and should demonstrate the fee ownership change for a minimum of the past 35 years.

**Draft Mortgage Subordination or Discharge** (if applicable): Entity is responsible for submitting to NRCS. Part of the Preliminary Title Commitment Binder. A copy of the unsigned, unexecuted draft mortgage subordination or mortgage discharge is required if there is an outstanding mortgage or lien on the property.

**Step 6**

**Baseline:** Entity is responsible for submitting to NRCS. This document demonstrates the condition of the land at the time the easement was placed on the property. The baseline includes information about the natural characteristics, ecological features, and physical and man-made conditions of the Protected Property. This report should include at minimum a description of the parcel and current and past land use, a soils map, an aerial map, photos and accompanying map with photo locations shown. The Baseline is used as a reference for the monitoring of the parcel.

**Conservation Plan:** Entity is responsible for ensuring that the landowner works with their local NRCS field office to create a conservation plan for the eligible property. The Conservation Plan needs to be signed by the landowner and the District Conservationist prior to closing. The Conservation Plan should describe the best management practices to be implemented on the parcel. The Conservation Plan should describe the conservation system applicable to highly erodible cropland and describe the decisions of the person with respect to location, land use, tillage systems and conservation treatment measures and schedules.

**Forest Management Plan** (if applicable): Entity is responsible for submitting to NRCS. A forest management plan is required under either of the following conditions: (1) if the parcel size is less than 200 acres, then there needs to be at least 40 acres of contiguous forest to warrant a forest management plan (2) if the parcel size is greater than 200 acres, then the contiguous forested acres need to be greater than 20% to warrant a forest management plan. The forest management plan should be a site-specific plan that is prepared by a professional resource manager in consultation with the participant and is approved by the State Conservationist. Forest management plans may include a forest stewardship plan, as specified in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. Section 2103a); another practice plan approved by the State Forester; or another plan determined appropriate by the State Conservationist. The plan complies with applicable Federal, State, Tribal, and local laws; regulations; and permit requirements.

**Step 7**

**Preliminary Title Opinion Approval:** Responsibility of NRCS. Once the Assistant State Conservationist for Programs (ASCT-Programs) reviews and approves of all of the necessary documents for the FRPP process: survey, easement deed language, title commitment binder, appraisal and approved technical appraisal report, conservation plan, baseline and forest management plan; then the ASCT-Programs can formally sign off on the project by granting the preliminary title opinion approval. This approval is needed prior to close and prior to the processing of the advance of funds documents.

**Advance of Funds (if applicable):** Entity is responsible to cover 100% of the purchase price at closing. After closing, NRCS will reimburse the federal share to the entity. When the entity is not able to front 100% of the purchase price at closing, the entity can request that the federal funds be advanced to the entity's closing agent to be held in ESCROW until closing where it can be paid out directly to the landowners. The entity must request an advance of funds and submit several documents, some of which come from the closing agent. Below are the 5 documents that are required to be submitted for the advance of funds to be processed.

**Waiver Request Letter (if applicable):** Formal letter from the entity to the State Conservationist requesting the advance of funds. This is one of the 5 documents that need to be submitted for the advance of funds.

**SF-199A, Direct Deposit Form (Closing Agent) (if applicable):** Responsibility of the entity to submit to NRCS. To be filled out and signed by the entity's closing agent. Please see the definition for SF-199A in step 1 above. This is one of the 5 documents that need to be submitted for the advance of funds.

**CPA-1236, Assignment of Payment (if applicable):** Responsibility of the entity to submit to NRCS. This form demonstrates that the entity authorizes the FRPP funds, that were obligated to the entity, to be transferred to the closing agent. The entity and the entity's closing agent must sign off on this form. This is one of the 5 documents that need to be submitted for the advance of funds. This is one of the 5 documents that need to be submitted for the advance of funds.

**Closing Protection Letter and proof of \$1 million dollars liability coverage (closing agent) (if applicable):** Responsibility of the entity to submit to NRCS. The cooperating entity must provide NRCS with a closing protection letter from the closing agent with a copy of the document from their insurance company stating that they carry at least \$1 million in liability coverage. This is one of the 5 documents that need to be submitted for the advance of funds.

**SF-270 request for reimbursement or advance of funds (if applicable):** Responsibility of the entity to submit to NRCS. This form is used to initiate a funds transfer in the national finance system. This form can be used to reimburse the federal share of the easement purchase price to an entity after the easement closes. This form can also be used to advance the federal funds prior to close to a closing agent to hold in ESCROW until the funds can be disbursed at closing. An advance of funds occurs when the entity is unable to pay out 100% of the purchase price of the easement at closing (both the entity's share and the federal share) and formally requests the funds prior to close. This is one of the 5 documents that need to be submitted for the advance of funds.

**CPA-230, Confirmation of Matching Funds:** Responsibility of the entity to submit to NRCS. This is signed by both landowner and the entity and demonstrates the funding breakdown. The form shows how much the easement appraised at, how much the purchase price was, and how much was paid to the landowner by the entity and by the NRCS. This form also authorizes that funds were not illegally asked of the landowner to pay for the easement on the landowner's land. This form is to be prior to close.

**Closing Landowner Interview:** Responsibility of the NRCS to conduct. Is required prior to closing and is typically scheduled a couple weeks to a month prior to scheduled closing date. This closing landowner interview can be a teleconference call between the landowner and the NRCS. The entity is encouraged to attend but is not required. At this meeting we discuss the amount of pay that the landowner will be receiving from NRCS and from the entity discuss how the closing works. It is a great opportunity to address any pre-closing questions, by both the landowner or the entity.

**NRCS Notarized Acceptance Page for Conservation Easement Deed:** Once all other documents have been received and approved, the State Conservationist will sign the NRCS Acceptance page in the conservation easement deed. NRCS will send this acceptance page along with any closing instructions to the cooperating entity for closing.

**Step 8**

**Parcel Closing:** This is where the Conservation Easement Deed is signed by the entity and the landowner. The NRCS acceptance page is signed and sent to the entity days prior to close. NRCS is typically not present for the closing. At this closing the closing agent will pay the landowners for the purchase price of the easement. Soon after this closing the signed Conservation Easement Deed is recorded at the county registry of deeds along with Survey of the conserved parcel.

**Step 9**

**Recorded Conservation Easement Deed:** This is the responsibility of the entity to submit after closing. Once the fully signed Conservation Easement Deed has been recorded at the county registry of deeds, the entity will need to submit a clear legible copy to NRCS. The copy should show the registry stamp. This is one of the Closing Documents. In the case of a reimbursement of federal dollars to the entity, all Closing Documents need to be submitted prior to NRCS reimbursing the funds.

**Final Title Commitment Binder:** Entity is responsible for submitting to NRCS after closing. Consists of a copy of the signed and executed ALTA Title Policy. This is one of the Closing Documents. In the case of a reimbursement of federal dollars to the entity, all Closing Documents need to be submitted prior to NRCS reimbursing the funds.

**Closing Documents or HUD statement:** Entity is responsible for submitting to NRCS after closing. This is a document prepared by a closing agent describing a real estate transaction, including the escrow deposits for taxes, commissions, loan fees, points, hazard insurance, and mortgage insurance. This is one of the Closing Documents. In the case of a reimbursement of federal dollars to the entity, all Closing Documents need to be submitted prior to NRCS reimbursing the funds

**Signed Mortgage Subordination or Discharge (if applicable):** Entity is responsible for submitting to NRCS after closing. A copy of the signed, executed draft mortgage subordination or mortgage discharge is required if there is an outstanding mortgage on the property. Should be submitted with the copy of the Final Title Commitment Binder. This is one of the Closing Documents. In the case of a reimbursement of federal dollars to the entity, all Closing Documents need to be submitted prior to NRCS reimbursing the funds

**SF-270 request for reimbursement or advance of funds (if applicable):** Responsibility of the entity to submit to NRCS after closing. This form is used to initiate a funds transfer in the national finance system as a reimbursement to the entity. This form is required if the entity did not request an advance of funds prior to closing. In the case of a reimbursement this form cannot be processed until all of the Closing Documents have been received and reviewed by NRCS. For more information on the SF-270 see the definition for SF-270 in Step7 above.

**Step 10**

**Monitoring Report:** Responsibility of the Easement Holder (Grantee) after the FRPP easement closes. The FRPP Conservation Easement Deed mandates that the protected property is to be monitored annually and copy of the report be submitted to NRCS. The annual monitoring report includes, but is not limited to, such information as current land use, total impervious surface, conditions of the easement boundary markers, as well issues or concerns of easement deed violations by the Grantor or abutting neighbors on the protected property.

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